

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Sanford McGill,)	
)	
Plaintiff,)	
)	Civil Action No. 2:18-cv-1844-TMC
v.)	
)	ORDER
Andrew M. Saul, Commissioner of)	
Social Security Administration, ¹)	
)	
Defendant.)	
_____)	

Plaintiff, Sanford McGill, brought this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying his claim for Supplemental Security Income (“SSI”) and Disability Insurance Benefits (“DIB”) . (ECF No. 1). This matter is before the court for review of the Report and Recommendation (“Report”) of the United States Magistrate Judge, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(a) (D.S.C.). (ECF No. 14). The Report recommends that the Commissioner’s decision be reversed and remanded. *Id.* The magistrate judge notified the parties of their right to file an objection to the Report. *Id.* at 14. On August 5, 2019, the Commissioner filed a notice stating that he would not file any objections to the Report. (ECF No. 15). Plaintiff has filed no objections.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a

¹ Andrew M. Saul became the Commissioner of the Social Security Administration on June 17, 2019. Pursuant to Fed. R. Civ. P. 25(d), Saul should be substituted for Nancy Berryhill.

timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a thorough and careful review of the record under the appropriate standards as set forth above, the court adopts the Report of the Magistrate Judge (ECF No. 14), which is incorporated herein by reference. Accordingly, the Commissioner’s final decision is **REVERSED** pursuant to sentence four of 42 U.S.C. § 405(g) and **REMANDED** for a new hearing consistent with the Report.

IT IS SO ORDERED.

s/Timothy M. Cain
Timothy M. Cain
United States District Judge

Anderson, South Carolina
August 6, 2019